

PROPOSED CIA LEGISLATION

DRAFT OF 16 February 1948

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DRAFT

16 February 1948

A BILL

To provide for the administration of the Central Intelligence Agency, established pursuant to Section 102, National Security Act of 1947, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

DEFINITIONS

SECTION 1. That when used in this Act, the term

- (a) "Agency" means the Central Intelligence Agency;
- (b) "Director" means the Director of Central Intelligence;
- (c) "Government agency" means any executive department, commission, council, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the government; and
- (d) "Continental United States" means the States and the District of Columbia.

SEAL OF OFFICE

SECTION 2. The Director of Central Intelligence shall cause a seal of office to be made for the Central Intelligence Agency, of such design as the President shall approve, and judicial notice shall be taken thereof.

INVESTIGATION OF PERSONNEL

SECTION 3. Except as authorized by the Director in case of emergency, no individual shall be assigned to or employed for departmental duty by the Agency until the Federal Bureau of Investigation shall have made investigation and report to the Agency on the character, associations and loyalty of such individual.

PROCUREMENT AUTHORITIES

SECTION 4. (a) In the performance of its functions the Central Intelligence Agency is authorized to exercise the authorities contained in sections 2(e)(1), (2), (3), (4), (5), (6), (10), (12), (15), (17), and sections 3, 4, 5, 6 and 10 of the Armed Services Procurement Act of 1947, (Public Law , 80th Congress, 2nd Session).

(b) In the exercise of the authorities granted in sub-section (a) of this section, the term "Agency head" shall mean the Director, the Deputy Director, or the Executive Director of the Agency.

(c) The determinations and decisions provided in sub-section (a) of this section to be made by the Agency head may be made with respect to individual purchases and contracts or with respect to classes of purchases or contracts, and shall be final. Except as provided in sub-section (d) of this section, the Agency head is authorized to delegate his powers provided in this section, including the making of such determinations and decisions, in his discretion and subject to his direction, to any other officer or officers or officials of the Agency.

(d) The power of the Agency head to make the determinations or decisions specified in paragraphs (12) and (15) of section 2(e) and section 5(a) of the Armed

Services Procurement Act of 1947 shall not be delegable. Each determination or decision required by paragraphs (12) and (15) of section 2(c), by section 4 or by section 5(a) of the Armed Services Procurement Act of 1947, shall be based upon written findings made by the official making such determinations, which findings shall be final and shall be available within the Agency for a period of at least six (6) years following the date of the determination.

DEATH BENEFITS

SECTION 5. In the event of the death of a person utilized or employed by the Agency, when the Director shall certify that death occurred in connection with the performance of extra-hazardous assigned duty, there shall be paid out of funds available to the Agency, to the wife, or, if no wife, to the dependent children, or, if no wife or dependent children, to the dependent parents, of such deceased person, the sum of ten thousand dollars (\$10,000) over and above all other death benefits, compensation, or other payments provided for by law; provided that for the purposes of this section, children under eighteen (18) years of age shall be considered dependent children.

EDUCATION AND TRAINING

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SECTION 6. (a) The Director is authorized to grant to any employee of the Agency a leave of absence with pay from his regularly designated duties for the purpose of allowing such employee to carry on research or study at or with domestic or foreign public or private institutions, trade, labor, agricultural, or scientific associations, or commercial firms, and to contract with such organizations to provide such research or study.

(b) Leaves of absence may be granted and contracts may be made under authority of this Act only for such research or study as, in the opinion of the Director, will materially contribute to the more effective functioning of the Agency through specialized training and/or the acquisition of knowledge not otherwise available to the Government.

(c) The tuition and other actual incidental academic expenses of any employee enrolled in any organization for training pursuant to this Act shall be paid from funds available to the Agency, and the expenses of transportation of said employees to and from the school selected for such training shall be paid from funds available for travel expenses in accordance with Government travel regulations.

(d) Any employee, while absent on leave granted pursuant to this Act, shall be subject to the rules and regulations applicable to other employees of his agency insofar as receipt of salary or compensation from other sources than the Government of the United States is concerned.

(e) Any leave of absence granted under the provision of this Act shall be granted without loss of salary or compensation to the employee and shall not be deducted from any leave of absence with pay authorized by any other law. Any such employee shall make a definite statement, in writing, that he will return to and, unless involuntarily separated, will thereafter remain in the service of the Agency for a period of two years if the period of research or study for which he is granted such leave of absence does not exceed six months, or for a period of three years if such period of research or study exceeds six months. Any employee who voluntarily or through his own misconduct fails to fulfill any such commitment shall be required to reimburse the Government for any expenses, over and above salary payments to the employee, incurred by the Government in providing such research or study.

TRAVEL, ALLOWANCES, AND RELATED EXPENSES

SECTION 7. Under such regulations as the Director may prescribe, the Agency shall:

- (a)(1) Pay the travel expenses of officers and employees of the Agency including expenses incurred while traveling pursuant to orders issued by the Director in accordance with the provisions of section 7(b) with regard to the granting of home leave;
- (2) Pay the travel expenses of the members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;
- (3) Pay the cost of transporting the furniture and household and personal effects of an officer or employee of the Agency to his successive posts of duty and, on the termination of his services, to the place where he will reside;
- (4) Pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency who is absent under

orders from his usual post of duty, or who is assigned to a post to which, because of emergency conditions, he cannot take or at which he is unable to use, his furniture and household and personal effects;

- (5) Pay the cost of storing the furniture and household and personal effects of an officer or employee of the Agency on first arrival at a post for a period not in excess of three months after such first arrival at such post or until the establishment of residence quarters, whichever shall be shorter;

- (6) Pay the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Agency and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned.

- (b)(1) Order to the continental United States on statutory leave of absence every officer and employee of the Agency who is a citizen of the United States upon completion of two years' continuous service abroad or as soon as possible thereafter.
- (2) While in the continental United States on leave, the service of any officer or employee shall be available for work or duties in the Agency or elsewhere, but the time of such work or duties shall not be counted as leave.
- (3) Where an officer or employee on leave returns to the continental United States, leave of absence granted shall be exclusive of the time actually and necessarily occupied in going to and from the continental United States, and such time as may be necessarily occupied in awaiting sailing or flight.

(c) Notwithstanding the provisions of any other law, transport for or on behalf of an officer or employee of the Agency, a privately owned automobile in any case where he shall determine that water, rail, or air transportation of the automobile is necessary or expedient for any part or of all the distance between points of origin and destination.

- (d)(1) In the event of illness or injury requiring the hospitalization of an officer or employee of the Agency who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred while on assignment abroad, in a locality where there does not exist a suitable hospital or clinic, pay the travel expenses of such officer or employee by whatever means he shall deem appropriate and without regard to the Standardized Government Travel Regulations and section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b), to the nearest locality where a suitable hospital or clinic exists and on his recovery pay for the travel expenses of his return to his post of duty. If the officer or employee is too ill to travel unattended, the Director may also pay the travel expenses of an attendant;
- (2) The Director may establish a first-aid station and provide for the services of a nurse at a post at which, in his opinion, sufficient personnel is employed to warrant such a station;
- (3) The Director may, in the event of illness or injury requiring hospitalization of an officer

or employee of the Agency who is a citizen of the United States, not the result of vicious habits, intemperance, or misconduct on his part, incurred in the line of duty while such person is assigned abroad, pay for the cost of the treatment of such illness or injury at a suitable hospital or clinic.

(e) In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U.S.C. 70), the Director is authorized to grant to any officer or employee of the Agency who is a citizen of the United States:

- (1) Allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Agency and the members of his family upon first arrival at a new post, for a period not in excess of three months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such

officer or employee for himself and the members of his family for such period if they were in travel status;

- (2) Cost-of-living allowances, whenever the Director shall determine --

(1) that the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee of the Agency at such post to carry on his work efficiently,

(ii) that extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee incident to the establishment of his residence at his post or assignment,

(iii) that an allowance is necessary to assist an officer or employee of the Agency who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment.

GENERAL AUTHORITIES

SECTION 8. In the performance of its functions, the Central Intelligence Agency is authorized to:

(a) Transfer to and receive from other government agencies such sums as may be authorized by the Director of the Bureau of the Budget, either as advance payment or reimbursement of appropriation, for the performance of any of the functions or activities authorized under Sections 102 and 303 of the National Security Act of 1947 (Public Law 253, 80th Congress), and any other government agency is authorized to transfer to or receive from the Agency such sums without regard to any provisions of law limiting or prohibiting transfers between appropriations. Sums transferred to the Agency in accordance with this paragraph may be expended for the purposes and under the authority of this Act without regard to limitations of appropriations from which transferred;

(b) Exchange funds without regard to Section 3651 Revised Statutes (31 U.S.C. 543);

(c) Reimburse other government agencies for services of personnel assigned to the Agency, and such other government agencies are hereby authorized, without regard to provisions of law to the contrary, so to assign or detail any officer or employee for duty with the Agency;

(d) Authorize couriers designated by the Director

to carry firearms when engaged in transportation of confidential documents and materials affecting the national defense and security;

(e) Make alterations, improvements and repairs on premises rented by the Agency and pay rent therefore without regard to limitations on expenditures contained in the Act of June 30, 1932, as amended, provided that in each case the Director shall certify that exception from such limitations is necessary to the successful performance of the Agency's functions or to the security of its activities;

(f) Notwithstanding Section 2 of the Act of July 31, 1894, 28 Stat. 205, as amended, 5 U.S.C.A. 62, or any other law prohibiting the employment of any retired commissioned or warrant officer of the Armed Services, the Agency is hereby authorized to employ and to pay the compensation of any retired officer or warrant officer of the Armed Services while performing service for the Agency, but while so serving such retired officer will be entitled to receive only the compensation of his position with the Agency or his retired pay, whichever he may elect;

h. (g) The Agency shall be exempt from such portion of § 4, c. 265 of the Act of March 4, 1923, as amended, 5 U.S.C.A. 664, which authorizes the Civil Service Commission to review and revise the allocation of positions

in the Agency and which empowers the Civil Service Commission to render final approval upon such allocations.

(h) In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of Section 102(d)(3) of the National Security Act of 1947 (Public Law 253, 80th Congress, 1st Session) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of §§ 1 and 2, c. 795 of the Act of 28 August 1935, 49 Stat. 956, 957, 5 U.S.C.A. 654, and the provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency;

PROVIDED, That in furtherance of this section, the Director of the Bureau of the Budget shall be exempted from making such reports to the Congress in connection with the Agency as are required by § 607, Title VI, c. 212 of the Act of 30 June 1945, as amended, 5 U.S.C.A. 947(b).

APPROPRIATIONS

SECTION 9. (a) Sums, made available to the Agency by appropriation or otherwise, may be expended as necessary to carry out the provisions of this Act, including:

- (1) Personal services and rent at the seat of Government and elsewhere, including employment of aliens; preparation and transportation of the remains of officers and employees who die abroad or in transit, while in performance of their official duties, to their former homes in this country or to a place not more distant for interment, and for ordinary expenses of such interment; penalty mail; health service program as authorized by law (5 U.S.C. 150); rental of news-reporting services; purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices, and radio-receiving and radio-sending equipment and devices including telegraph and teletype equipment; purchase, maintenance, operation, repair and hire of passenger motor vehicles

and aircraft, and vessels of all kinds; printing and binding; purchase, maintenance, and cleaning of firearms; subject to policies established by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific and other similar organizations when such attendance would be of benefit in the conduct of the work of the Agency; association and library dues; award, compromise or settlement of claims under the provisions of the Act of August 2, 1946 (60 Stat. 843, 28 U.S.C. 921); acquisition of land or interest in land, construction, installation, repair, rental, operation, and maintenance of buildings, utilities, facilities and appurtenances.

(b) Of the sums made available to the Agency such portions may be expended

- (1) Without regard to the provisions of law and regulations relating to the expenditure of Government funds or to the employment of persons in the Government service; and

- (2) For objects of a confidential, extraordinary or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

SEPARABILITY OF PROVISIONS

SECTION 10. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SHORT TITLE

SECTION 11. This Act may be cited as "The Central Intelligence Agency Act of 1948."